

DEC 08 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JUAN SANCHEZ-SANCHEZ,

Petitioner,

v.

MICHAEL B. MUKASEY,  
Attorney General,

Respondent.

No. 05-75827

Agency No. A41-398-131

MEMORANDUM \*

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted December 4, 2008 \*\*  
Portland, Oregon

Before: TALLMAN, CLIFTON, and N.R. SMITH, Circuit Judges.

Petitioner Juan Sanchez-Sanchez appeals the BIA's decision finding him  
“ineligible for a waiver of inadmissibility pursuant to section 212(c) of the Act.”  
Petitioner's motion to hold oral argument in abeyance pending the decision of the

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

en banc panel of this court in *Abebe v. Mukasey*, No. 05-76201, was granted. That decision has been filed, \_\_\_ F.3d \_\_\_, 2008 WL 4937003 (9th Cir. Nov. 20, 2008) (en banc), and we now deny Sanchez-Sanchez's petition.

*Abebe* forecloses Petitioner's claim that § 212(c) relief is available to him. *Id.* at \*2. It also forecloses his argument based on the Equal Protection clause. *Id.* Furthermore, because § 212(c) relief is unavailable to Petitioner, he cannot show prejudice for any of the alleged due process violations that he argues occurred at his hearing. *United States v. Calles-Pineda*, 627 F.2d 976, 977 (9th Cir. 1980).

**PETITION FOR REVIEW DENIED.**